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RUEHFK/AMCONSUL FUKUOKA 2688
RUEHHK/AMCONSUL HONG KONG 6710
RUEHNH/AMCONSUL NAHA 5036
RUEHOK/AMCONSUL OSAKA KOBE 6478
RUEHKSO/AMCONSUL SAPPORO 3239
RHMFIUU/USFJ
RHMCSUU/DEPT OF ENERGY WASHINGTON DC
RHMFIUU/DEPT OF HOMELAND SECURITY WASHINGTON DC

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SENSITIVE
SIPDIS

STATE FOR EAP/J
STATE PASS DOE FOR W. KILMARTIN AND D. CHONG
DHS FOR C. BRZOZOWSKI
CBP CONTAINER SECURITY INITIATIVE FOR D. STAJCAR
USFJ FOR US COAST GUARD CAPT SWANSON

E.O. 12958: N/A
TAGS: [ETTC](#) [EWWT](#) [ENRG](#) [ELTN](#) [ETRD](#) [JA](#)
SUBJECT: MEGAPORTS: JAPAN'S RESPONSE ON "RECIPROCAL"
INFORMATION-SHARING

REF: A. STATE 16717
[1](#)B. TOKYO 231

[1](#)1. (SBU) Despite the March 2 scheduled launch of the Megaports pilot project at the Port of Yokohama, considerable differences in expectations exist between the GOJ and USG about how and what kind of information-sharing will take place, MOFA Second North Americas Division Official Kako Sasai explained February 24 in response to reftel demarche. Sasai said the GOJ is under the impression the USG agreed to reciprocal data-sharing. Econoff noted the USG has conveyed in several meetings with MOFA officials up to the Director level, that the issue of reciprocity should be treated as a separate issue unrelated to Megaports implementation. The GOJ has proposed that Japan Customs will share scan data directly with U.S. Customs and Border Protection (CBP), which will then pass it to DOE. However, Sasai said the GOJ is unable to provide information related to the pilot project until after it better understands the type of information the USG wants the GOJ to provide, and by what mechanism.

"Reciprocity"

[1](#)2. (SBU) In response to ref A points concerning "reciprocity," MOFA officials noted their concern that USG and GOJ views differ significantly. To illustrate this point, Sasai relayed to us that Ministry of Finance (MOF) Customs and Tariff Bureau Enforcement Division Deputy Director Koji Minakuchi said he was under the impression from past discussions that the USG agreed to "reciprocity" and is now backing away from it. (Note: Post has explained to the GOJ that Megaports is not a reciprocal program; however, to address GOJ concerns, DHS-CBP has offered inspections of suspect containers through CBP's Container Security Initiative. Japan Customs maintains a presence under the CSI program at Long Beach. Post has raised on several occasions with MOFA and other GOJ officials that the USG would handle any "reciprocity" separately from Japan's Megaports Initiative. End note.)

Sharing Megaports Scan Data

¶3. (SBU) MOFA indicated the GOJ will launch its Megaports Initiative pilot project at the Port of Yokohama March 2, but because the GOJ has not received a USG response on its proposed "Memorandum to Provide Information on Megaports Initiative Pilot Project," it will delay providing scanning-related information at the outset. The GOJ reiterated its request for USG comments on the Japan-to-U.S. portion of the Memorandum (see para 4 for text). (Note: Per ref B, the GOJ originally asked for USG input to the Memorandum by February 6. End note.) The GOJ in particular seeks clarification about the type of scan data GOJ officials would be expected to provide, she explained.

Mechanism for Sharing Scan Data

¶4. (SBU) Sasai explained the GOJ considers the Megaports Initiative to fall under the Customs Mutual Assistance Agreement (CMAA), which allows customs-to-customs information exchanges between the U.S. and Japan. In previous discussions, the GOJ indicated that under the CMAA, MOF Japan Customs would pass scan data to DHS-CBP, which would share the information with the Department of Energy (DOE). Japan Customs has stated no mechanism exists to share information directly with DOE.

Comment

¶5. (SBU) In advance of DOE's Megaports technical team's March 10-11 visit to Japan to discuss the pilot project, a

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clear gap remains between the USG and GOJ expectations concerning "reciprocity" as well as the content and mechanism for Megaports information-sharing. Post recommends Washington and the technical team provide detailed responses to the GOJ's Memorandum during or before the DOE visit, in order to encourage the GOJ to provide information on the pilot project. End comment.

¶6. (SBU) Begin text:

"Memorandum to Provide Information on Megaport Pilot Project" from Japan to U.S.:

¶1. Cargoes to be informed

The Japan Customs will provide information when the cargoes meet all the conditions as follows.

- Container cargoes destined for US at Minami Honmoku Terminal
- Cargoes operated secondary inspection by the Japan Customs

¶2. Information Items

Information items are as follows.

(1) Cargo information

- 1) Container No./ Seal No.
- 2) Description of goods
- 3) Quantity
- 4) Shipper (Name and address)
- 5) Consignee (Name and address)
- 6) Vessel (Name and call sign)
- 7) Expected time on departure

There may be cases where it is difficult for the Japan Customs to provide information no. 4)-7) due to time constraint.

(2) Reports on primary inspection

- 1) Inspection date
- 2) RPM readings
 - BG: cps or level
 - Gamma: cps
 - Neutron: cps

(3) Reports on secondary inspection

- 1) Inspection date
- 2) RIID readings
 - Gamma: Sv/h
 - Neutron: cps

3) Identified radionuclide
(4) Response

¶3. The way for the Japan Customs to provide information CSCC (Customs Surveillance and Control Center) officers provide information to the US Customs and Border Protection (CBP) officer stationing at Yokohama port the next day.

¶4. The ways for CBP to provide information to DOE
The US CBP officer at Yokohama port provides DOE information through CBP in the US.
Information on MI is provided based on the Agreement (CMAA) and shall only be used by the Customs Administrations, unless the Japan Customs providing the information has approved in writing its use by other authorities. Even in such cases it is necessary to follow the requirements below in providing information to DOE.

- To maintain the confidentiality of information received
- Never provide information received to third parties
- Information received shall only be used for the purpose of MI

- To submit a request through the diplomatic channels when using such information as evidence for criminal investigation, prosecution or judicial proceeding, including grand jury proceeding

CMAA (Customs Mutual Assistance Agreement): Agreement between the government of Japan and the government of the United States of America regarding Mutual Assistance between customs administrations

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¶1. Information received pursuant to this Agreement shall only be used for the purposes specified in Article 2, paragraph 1, of this Agreement and by the Customs Administrations, unless the Customs Administration providing the information has expressly approved in writing its use by other authorities.

End Text.
ZUMWALT